

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 445 of 1997

in

SPECIAL CIVIL APPLICATION No 2774 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER  
and  
MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 : NO

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GUJARAT SLUM CLEARENCE BOARD

Versus

JAYSHREE RAMDEVNAGAR JAGRUTI YUVAK MANDAL  
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Appearance:

MR DA BAMBHANIA for Petitioners  
MR BS PATEL for Respondent No. 1  
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CORAM : MR.JUSTICE C.K.THAKKER and  
MISS JUSTICE R.M.DOSHIT  
Date of decision: 23/09/97

ORAL JUDGEMENT

Admitted. Mr. B.S.Patel appears and waives service of notice of admission on behalf of the respondent. In the facts and circumstances of the case, the matter is taken up for final hearing.

This appeal is filed against the interim order passed by the learned Single Judge in Special Civil Application No. 2774/96 on 19th March, 1997. On that day, in the petition filed by the present respondent (original petitioner), following order was passed by the learned Single Judge :

" Rule. Interim relief in terms of para 12 (c) "

Paragraph-12(c) of the petition reads as under :

" Pending the final hearing and disposal of this petition respondent be restrained from compelling the petitioners members for paying the enhanced rate/purchase price and be pleased to accept monthly instalment at Rs. 150/- per month per member from the members of petitioner towards the purchase price ".

After hearing the parties, we are satisfied that the interim order, in the nature of final order, could not have been granted by the learned Single Judge at the time of admission, particularly when petition is pending and a number of questions have been raised by both the sides. In our view, therefore, interim relief requires to be vacated. At the request of Mr. Patel, we are not recording the reasons. Hence, the following order :

This appeal is allowed. Order passed by the learned Single Judge in Special Civil Application No. 2774/96 is hereby quashed and set aside. Interim relief is vacated. In the facts and circumstances of the case, there is no order as to costs.

Learned counsel for the respondent submits that in view of vacation of interim order, if the pendency of petition will take long time, it would cause serious prejudice to the original petitioner. Learned counsel for the respondent (original petitioner) is at liberty to request the learned Single Judge for early and

expeditious disposal of the petition. As and when such request will be made, learned Single Judge will consider the same and pass an appropriate order thereon.

Appeal is accordingly allowed. No costs.

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JOSHI